IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 11121 of 2007(Y)

PETITIONER:

UDAYAN.C., UDAYA BHAVANAM,
VELIYAM WEST P.O., KOTTARAKKARA, KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS:

1. THE BRANCH MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
KADAPPAKKADA BRANCH, KOLLAM.

2. THE DEPUTY TAHSILDAR (RR),
K.S.F.E., KOLLAM.

BY ADV. SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.11121 of 2007

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Dated this the 4th day of June, 2007

J U D G M E N T

The petitioner challenges the proceedings for recovery of the amounts due to the 1st respondent-Kerala State Financial Enterprises Ltd. The petitioner was given facility to pay the amount under the OTS scheme. However, the petitioner seeks permission to pay the amounts under the OTS scheme in instalments.

2. I have heard the learned counsel for the petitioner as also the learned Standing Counsel appearing for the respondents.

3. The learned standing counsel for the respondents opposes the prayer of the petitioner. According to him, once the OTS benefit is granted, the payment has to be in accordance with the OTS scheme for which no instalment facility can be provided.

4. Taking into account the facts and circumstances of the case, I direct the respondents to allow the petitioner to pay the entire balance under the OTS scheme with interest accrued subsequently, in two equal monthly instalments on 2.7.2007 and 2.8.2007. If the petitioner pays the instalments in time, further proceedings for recovery of the amount shall be kept in abeyance. However, if the petitioner defaults in payment either instalments, the respondents would be free to proceed further without having to issue any fresh notice or proceedings in that regard.

Writ petition is disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE